

APPROVED: Meeting No. 41-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 39-90

October 8, 1990

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on October 8, 1990, at 6:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: Worksession with Animal Control Board to discuss current animal control policies and procedures

In attendance from the Animal Control Board: Dr. Ann Holt, Chairperson, Lucinda Denton, Member, and Geoffrey Becker, Alternate.

Neighborhood Services Division.

Chief Treschuk reported the following:

1. During the past year, the three staff members have received formal training in the animal control field.
2. The animal licenses have been computerized, and procedures have been built in for timely citizen notification of licensing and rabies inoculation.
3. A complete records system for animal control incident reports has been developed and implemented. Last year, a total of 2,850 calls were received and

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processed. In addition to dog bites, these calls also included reports of dogs at large and all other types of animals complaints.

4. Regarding the Animal Control Board staff liaison, a number of improvements have been implemented:

- a. timely notification and information dissemination;
- b. professional transcription of all Animal Control Board hearings; and
- c. a follow-up information policy.

Dangerous Dog Legislation.

Chief Treshcuk noted the need to review the dangerous dog regulations and indicated that copies of laws and ordinances from other jurisdictions have been provided to the Mayor and Council and Board members. Chief Treschuk responded to Councilmember Coyle that while most dangerous dog legislation is initiated after a serious problem has occurred, there are some proactive movements.

Dr. Holt commented that a dog could be found a nuisance under the current law. A subheading under nuisance is vicious dogs. There have been three or four instances where potentially dangerous dogs are running loose and, if the owner fails to restrain the dog, the dog's license can be revoked.

Chief Treschuk noted the provisions in the statute for animal census-taking. Although this has not been done in a number of years, it was discussed that it may be a possible way to identify problems.

Dr. Holt commented that more publicity is needed in order to enforce the animal control ordinance. A majority of citizens are not even aware that there is a leash law, and there should be more emphasis on enforcement of the leash law. Alerting citizen associations to educate their own communities, providing information in the Rockville Reports, and distributing information pamphlets along with dog licenses were suggested to increase public awareness. It was also discussed that the procedures for filing

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complaints about dogs should be easily obtainable by residents.

Mayor Duncan noted the need to discuss banning specific breeds in the City as a result of the incident in North Farm. He also stated that a number of letters had been received noting constitutional problems in initiating breed-specific legislation. Chief Treschuk advised that of 53 bite incidents that occurred last year, one involved a Rottweiler; of the 23 that occurred this year, three involved Rottweilers, the incident which occurred in North Farm.

Discussion followed regarding the responsibility of owners in dog attacks and pack behavior. Geoffrey Becker referenced the article Vicious Dogs: Communities, Humane Societies and Owners Struggle with a Growing Problem.
Role of Animal Control Board.

Dr. Holt requested clarification of the Board's role; Mr. Becker suggested an orientation for new members as to what is expected of them and what their relationship should be with the City. Mayor Duncan responded that the Board is an independent body whose decisions can be appealed only to Circuit Court. They are viewed as advisors or experts.

Dr. Holt indicated that from a reading of other statutes, it appears that Rockville's law should require more than just revoking a dog's license when there has been an attack. She noted that dogs can be made into decent animals with responsible owners.

It was noted that most jurisdictions allow owners to keep dangerous dogs but with restrictions. Pennsylvania's statute goes beyond others and mandates the death penalty in cases of dog bites.

It was agreed that the key to success of any new ordinance is enforcement. The Board was requested to work with staff to prepare recommendations for changes to the law which can be put out for public hearing. These recommendations should be forthcoming

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within the next month. Following Dr. Holt's comments regarding cats spreading rabies, it was also agreed that cats would be included in the ordinance.

At 7:38 p.m., the Mayor and Council convened in General Session in the Council Chamber.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepian

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The City began its fall leaf collection service today which will be continued throughout the fall months. Any individuals desiring more information about the service should feel free to contact City Hall.

2. Staff is making preparations for our Pinneberg visitors, and further information will be distributed shortly.

3. A week from today, the City will be cutting over to a new telecommunications system. Information about the new system and the new phone numbers have been published in Rockville Reports.

4. A memorandum has been distributed tonight regarding the need to exchange easements for a property on Dundee Road. This matter just came to our attention today, and it is requested that it be approved tonight under new business.

5. We have completed final printing of the Affirmative Action Plan, and it is now available for distribution. The first progress report will be coming out within the next couple of weeks.

Re: Proclamation declaring the week of October 7-13, 1990, as "Fire Prevention Week" in Rockville.

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Proclamation No. 28-90

By a unanimous vote of the Mayor and Council, the week of October 7-13, 1990, was declared "Fire Prevention Week" in Rockville. Councilmember Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Chief Alan Hinde and Assistant Chief John Ferguson of the Rockville Volunteer Fire Department accepted the Proclamation.

Re: Proclamation declaring
the week of October 14-
20, 1990, as "National
Business Women's Week" in
Rockville

Proclamation No. 29-90

By a unanimous vote of the Mayor and Council, the week of October 14-20, 1990, was declared "National Business Women's Week" in Rockville. Councilmember Hovsepien read the Proclamation, the full text of which can be found in Proclamation File No. 5 of the Mayor and Council. Mayor Duncan will present the Proclamation to the Business and Professional Women's Association of Rockville on October 9.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Joan Jordano, Board Member of Peerless Rockville, stated that the first copies of the 13th Annual Calendar are available. This was a joint project with Richard Montgomery High School whose Fundamentals of Art class taught by Ruth Fishman submitted the drawings. Ms. Fishman introduced the students who participated in the project, and the Mayor and Council were provided with copies. Dr. Carol Dahlberg, Vice Principal, was also introduced and presented with a calendar. Ms. Fishman thanked the City for the community support provided to Richard Montgomery.

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(The comments of the following seven individuals are in reference to the dog attack which occurred in North Farm on September 15, the ensuing Animal Control Board hearings, and discussion of revision of the City's Animal Control laws.)

2. Sharon Oremland, 426 Green Pasture Drive, expressed concern with how the three Rottweilers would be identified in the future. She noted that a common procedure is to tattoo the dogs and asked if such a procedure could be done before the dogs are placed elsewhere. Mrs. Oremland also stated that it is her understanding that individuals owning dogs which have been declared dangerous may be unable to obtain liability insurance, and she feels there should be a way to protect our citizens.

3. Norman Oremland, 426 Green Pasture Drive, feels that the dog owners should be responsible for all costs of impoundment and that there should be a stiff fine imposed on dog owners in incidents such as this. He also stressed the moral obligation to try to prevent these dogs from being relocated and the need for a guideline in the future for destroying dogs.

4. Randy Slovic, 9 Dairyfield Court, requested that the proceedings be reopened with a city attorney representing the aggrieved citizens to allow additional testimony of menacing behavior by the dogs. She further stated that the evidence supports a verdict of death for the animals and the most serious condemnation or sanctions for the owner. Ms. Slovic also requested that the transcripts of the hearings in this matter be referred to the State's Attorney for investigation.

5. Lucille Manko, 19353 Liberty Heights Lane, Germantown, emphasized the need for enforcement of any ordinance and the importance of educating the public as to reporting animal incidents. She also suggested a two-year animal census.

6. Mark Joffe, 402 Green Pasture Drive, requested that the Animal Control Board hearing be reopened, indicating that the decision in this matter is not a "settlement agreement." Mr. Joffe stated that an important issue in this case is the

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extent to which there was any provocation for the attack. He would like the hearing reopened to present more testimony on this. Further, he believes that the Board should clearly state the reasons for not ordering the dogs destroyed.

Mr. Joffe also had a number of suggestions for consideration in amending the animal control laws.

7. Ed Stein, 409 Green Pasture Drive, expressed concern with the City's potential legal liability in allowing the dogs to be relocated from the area. He feels that the Board should order the dogs destroyed and let the courts decide the matter, thus removing the burden from the City.

8. Amy Vachon, 3 Dairyfield Court, advised that a number of the North Farm Civic Association Board members resigned in opposition to the agreement. Some feel the language is too loose and they want to see the dogs destroyed. She further noted that the Levins were negligent in the care of the dogs and referenced safeguards in relocating the dogs.

9. Anna Gray, 878 Azalea Drive, referenced the parking lot on Middle Lane, and sought assurances that the City would not change the availability of permit parking at that site. Mayor Duncan responded that the individuals with permits were guaranteed continued parking and that there would be a three-month evaluation to assess the demand for permit parking. Ms. Gray was also assured that the City would accommodate unusual situations such as overnight travel.

10. William Meyer, 804 Levertton Road, referenced Item No. 14 on the agenda, refuse collection service for the City. He suggested the City consider changing the service to once a week at the curb which would reduce the cost and accelerate the recycling program. He also suggested adopting a standardized container, preferably wheeled.

Regarding Item No. 9 on the agenda, staff presentation and discussion regarding

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Ritchie Parkway wetlands project, Mr. Meyer indicated that he hoped any decisions made would minimize the impact to the neighborhood and the taking of public parkland. He also sought assurances that the 100-year floodplain, as proposed in the plan, does not impact property owners along Cabin John Parkway.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Thomas E. Perez was appointed to a two-year term on the Advisory Commission on Public Education.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Margaret Sante was appointed to a two-year term on the Cultural Arts Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Kenneth Falci was appointed to a one-year term as Chairperson of the Science and Technology Commission.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 36-90 (September 20, 1990) were approved, as written.

Upon motion of Councilmember Marrinan, duly seconded, with Councilmember Robbins abstaining, the minutes of Meeting No. 37-90 (September 21, 1990) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 38-90 (September 24, 1990) were approved, as amended.

Re: Consent Agenda

Councilmember Marrinan requested that Item D be removed from the Consent Agenda and Mayor Duncan requested that Items E and G be removed. Upon motion of Councilmember

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Hovsepian, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Award of Bid No. 21-91 for the time and materials requirement for sand trap work at Redgate Golf Course in an amount not to exceed \$80,000, the amount budgeted for this item in the FY1991 CIP.

This project is to include removal of existing sand traps, reshaping existing traps and adding up to 20 new sand traps at Redgate Golf Course.

- B. Award of Bid No. 22-91 for the time and materials requirement for tee construction and renovation at Redgate Golf Course in an amount not to exceed \$60,000, the amount budgeted for this item in the FY1991 CIP.

This project is to add several new tees and renovate existing tees to create a 4-tee system at Redgate Golf Course.

- C. Award of Contract, Bid No. 24-91, Computer Equipment, to Basicomputer and Computerland Mid-Atlantic for the total bid amount of \$21,588. The amount budgeted for this item is \$27,300.

This contract includes computer hardware for various city departments.

- F. Introduction of Ordinance to levy assessments for driveway aprons at various locations, Project #OD12.

This is an ordinance adopted annually for the payment by special assessment of the construction of driveway aprons with the costs assessed against the properties abutting the construction, and without further public hearing.

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Re: Introduction of Ordinance to
revise and amend Ordinance
No. 14-90, appropriating funds
and levying taxes for FY1991.

Councilmember Marrinan asked to have this Item (D) removed from the Consent Agenda in order for the City Manager to explain the reasons for this process for the public's understanding. The City Manager responded that in order for the City to expend any funds, they must first be appropriated by the Mayor and Council. In preparing the annual budget, estimates must be made and, when additional information becomes available subsequent to adoption of the budget, an appropriations ordinance incorporating any changes is prepared. An example cited is the City's resuming control of the Middle Lane parking lot. Although the revenues to be generated from this project are expected to exceed expenditures, there were no provisions in the FY91 budget for expenditures for this project. The Ordinance also provides for the reappropriation of outstanding encumbrances as of June 30, 1990, so that the funds may be expended in FY1991.

The Ordinance was duly introduced by the Mayor and Council.

Re: Authorization to increase the
contract amount for Bid No.
88-90, Voice Telecommunications
System, by \$23,509 for a total
amount of \$328,355.

This amount is needed to include additions and changes made during the final design process. Funds are available in the City Hall Space renovation CIP budget. Mayor Duncan requested that this Item (E) be removed from the Consent Agenda inasmuch as he would abstain from the vote for reasons of conflict of interest.

Upon motion of Councilmember Hovsepien, duly seconded, with Mayor Duncan abstaining, authorization was provided to increase the contract for Voice Telecommunications System by \$23,509, for a total amount of \$328,355.

Re: Adoption of Resolution to
exempt manufacturing property
from personal property
taxation.

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Resolution No. 22-90

Regarding Item G from the Consent Agenda, Mayor Duncan asked what impact adoption of this resolution would have on City revenues. The Director of Finance responded that there would be no impact inasmuch as the County had not been billing for this item for the past 15 years. The County does not tax manufacturing property and their computer system does not have the capability to do so for the City. The real issue is that this would seem like a new tax to those businesses impacted by it. Mayor Duncan requested information from staff as to implementation of a system to bill for this tax, and the Director noted that a separate system of billing could be implemented with the potential of approximately \$100,000 in additional revenue to the City, with an average tax liability of \$2,000 per business.

Mayor Duncan noted that, with the current state of the economy, the City should not eliminate potential revenues. Following discussion and, upon motion of Councilmember Hovsepian, duly seconded, with Mayor Duncan voting in opposition and Councilmember Coyle abstaining, Resolution No. 22-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to exempt manufacturing property from the City's personal property tax effective as of Fiscal Year 1992.

Re: Staff presentation and
discussion regarding Ritchie
Parkway wetlands project.

The City Manager commented that the City has been involved in a significant public input process, and many of the suggestions have been reflected in alternatives being offered for Mayor and Council consideration. He noted the need to respond to the Maryland Department of the Environment and, thus, staff has looked at the original proposal and identified the most viable options package which is responsive to citizen concerns while providing an acceptable solution to the Maryland Department of the Environment. This package also factors in the comments of elected officials. The two

major deviations from the original proposal are:

1. The Don Mills infiltration basin could easily be changed to an underground facility. This would be acceptable to the State and positively addresses the aesthetics of the facility, the factor of safety, and otherwise meets the goals of the neighborhood. This change would result in an increase in cost which is modest relative to the scope of the Ritchie Parkway project.

2. The impact to Dogwood Park can be minimized so that the use of the park is not adversely affected through mitigation at other sites. The acreage can be reduced to 3.62 or 1.74 dependent upon which option is selected. Some other areas which are suitable for wetlands mitigation have been identified and can be substituted for some of the Dogwood Park acreage. Two meetings have been held with representatives of the Hungerford-Stoneridge Swim Club, and this site can be used for mitigation. There is also some property on the Woodmont Country Club site which may serve the purpose.

Councilmember Hovsepien asked if any of the Swim Club property is in the 100-year floodplain, and was advised by staff that a strip of property approximately 20 feet wide is in the currently identified floodplain. Councilmember Hovsepien noted that the Swim Club wants fair market value for this land based upon the number of townhouses that could be built on that property. Discussion followed regarding a portion of the property dedicated for Cabin John Parkway, and staff noted that this easement could not be considered in computing the number of houses which could be built. It was also noted that no credit can be allowed for development density in the floodplain area. In response to Councilmember Hovsepien's question as to how the price of the Swim Club compares per acre to the cost of the Woodmont acquisition, staff noted that there is only a minimal difference. The Woodmont property was open space but, because the Swim Club has construction which must be removed, Councilmember Hovsepien commented that their price seems very high. As to whether the Club paid for the land originally or if it was

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dedicated to the community by the developer, the City Manager was advised by the attorney for the corporation (Swim Club) that apparently the property was deeded to the Swim Club by the Dawson family and that perhaps there was consideration given.

In response to Councilmember Coyle as to the economic viability of the Swim Center site, the City Manager noted that there is an array of costs for various options from least expensive to most expensive on a per acre basis. This particular option would be the most costly alternative. He noted that the City would pay 29% of the mitigation costs, and Mayor Duncan commented that, with the special assessment to developers, the City would be paying 18% of the total cost.

Staff advised Mayor Duncan that the existing floodplain on Leverton referenced by Mr. Meyer during Citizens' Forum does go through existing houses. These houses were built before the floodplain laws were adopted. In response to whether the plan extends the floodplain further from where it is now, staff responded no, not in terms of houses.

Councilmember Coyle asked whether any more thought had been given to relocating the stream. Staff noted that the stream has been modified based upon comments of the Water Resources Administration. Councilmember Coyle inquired as to the property south of Dogwood and north of Ritchie Parkway and the possibility of restoration of wetlands. Staff responded that it has been deferred until a thorough investigation can be done, but the preliminary evaluation indicates that there are thriving wetlands, and the Maryland Department of Environment will not allow restoration if the wetlands are not deteriorated.

Councilmember Coyle referenced the August 15 report and asked if the other possible areas where mitigation could take place are out of the question. Staff noted that they have to exhaust all of the possibilities within the Cabin John drainage area first, but that all sites involve excavation to some degree.

Councilmember Hovsepian asked if Project Open Space monies could be used to purchase the Hungerford-Stoneridge Swim Club site for open space. The City Manager responded in the affirmative; however, funds are limited to approximately \$150,000 per year.

If three acres of the Swim Club were used for mitigation, Councilmember Marrinan observed that approximately 2.5 acres would remain which essentially would be available for some other use such as open space or parkland. He inquired as to whether the Swim Club Board would be willing to reduce the asking price in consideration of a public amenity being made available to the community. The City Manager responded that such a proposal was not positively received by the Swim Club.

On the Dawson Farm tract, staff included both horizontal and vertical measurements; however, there is an historic foundation on the site which could not be impacted. Staff indicated that they cannot go out horizontally or vertically any further, but the site is a good candidate for vegetation and reforestation.

It was agreed that the following mitigation sites would be left in the package of recommendations for public hearing:

Dawson Farm SWM Facility; Mount Vernon SWM Facility (with the City having made a commitment to a high level of maintenance); Elwood Smith; West Edmonston; Leverton Road underground dry well; W. Edmonston dry well.

Don Mills Underground Infiltration Basin. Mayor Duncan commented that the underground proposal is an attractive way to handle the problem; however, the wetlands mitigation for Tower Oaks Boulevard will be located in the same area. He asked staff if there is an alternative; staff responded that such an alternative must be pursued with the State. Because the surrounding neighborhood is severely impacted by wetlands and the facility, Mayor Duncan disagreed with leaving this in the proposal. Councilmember Coyle noted he would like a reaction from the New Mark Commons Homes Association to the

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underground facility. Councilmember Marrinan also noted the need to address the concern of the community and, if there are options, the possibilities should at least be explored.

Staff ruled out a number of alternatives in the beginning because of impact to the neighborhood. The City Manager responded that this facility is viewed as very desirable by the State and it may be difficult to find a replacement. The reason for recommending its placement underground resulted from informal conversations with people in the area who suggested moving it downstream because they don't want to see it. This option takes it out of site and preserves open space. In response to Councilmember Hovsepian's question regarding maintenance of the underground facility, staff indicated that access is more difficult.

Councilmember Robbins stated that he would like to hear from the community, and it was agreed that the Don Mills underground infiltration basin would be left in as a recommendation for public hearing. Mayor Duncan noted his opposition and requested that staff provide pictures of what the site will look like and information regarding maintenance.

Dogwood Park. The proposal calls for 1.74 acres along the east side using the right-of-way of Cabin John Parkway. It would be excavated down two-three feet, then planted with trees and shrubs. Councilmember Coyle asked if the stream would be inundated on that side of creek when there is a heavy rain, expressing concern about safety. Staff responded that the stream would be moving very slowly, and they would determine how deep the water would be.

Councilmember Marrinan indicated it is hard to support going ahead with the Dogwood West idea at this point even with some of the tree areas being maintained.

Mayor Duncan noted the problem of taking so much out of an existing park that is used so heavily. Opportunities are available with the Swim Club and part of Woodmont

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so that Dogwood Park can be left undisturbed. Mayor Duncan suggested using three acres from the Swim Club, one acre from the Country Club and the finger that connects Dogwood Park to the wetlands.

With regard to purchase price of the property, Mayor Duncan stated that he did not see a reason to treat the Swim Club differently from Woodmont Country Club. Insofar as realigning the road is concerned, it could be realigned using the Swim Club property but such a realignment would bring the road much too close to the neighborhood. The current realignment is needed for various reasons.

Councilmember Coyle agreed that he did not want to see Dogwood Park used for mitigation. While the option of acquiring the Swim Club is desirable, Councilmember Marrinan noted that the cost is excessive in terms of amenities being returned to the community.

The City Manager stated that staff would put together a package providing as much detail as possible. With respect to the need to acquire additional property to support this plan, staff was authorized to take further action such as securing an appraisal for the Swim Club property which would assist in the discussions and decisions. Councilmember Robbins requested a layout or options for the 2.5 acres of the Swim Club property that would not be used for wetlands mitigation. Mayor Duncan also asked for alternatives to the Don Mills Infiltration Basin for public hearing.

Re: Adoption of Ordinance to Adopt
Text Amendment Application T-
99-89, Mayor and Council of
Rockville, Applicant.

Staff presented an overview of the changes to the sign ordinance which include the following:

- o definition of "portable sign" has been modified to exclude a costume, article of clothing or material worn by a person;

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- o there is no change to the current authority of the Sign Review Board regarding limitations on granting modifications for prohibited signs;
- o new signage opportunities are added for industrial park subdivisions by permitting a "subdivision identification sign" in recorded subdivisions of four or more lots;
- o freestanding identification signs are being reintroduced into the Town Center and O-1, Office Zones;

Mayor Duncan asked about the Snowden's Funeral Home in the TCO-1 Zone, and staff noted no particular concerns with the Snowden's Funeral Home issue. Six or seven properties have some type of development non-conformity that could take advantage of the new signs; three properties were built in accordance with the setback requirements and have no place to put such a sign. It was agreed that the ordinance should not include these types of signs in the TCO-1 Zone and that the signs should be limited to 6 feet in length by 3 feet wide by 8 inches in depth.

- o opportunities for temporary sale, rent, lease and construction signs and "grand opening" banners have been increased and regulations clarified;
- o prohibition against multiple identifiers on freestanding signs has been liberalized for signs in the Town Center, O-1, I-3 and O-3 Zones;
- o building identification sign requirements have been liberalized in the Town Center, O-1 and RPR Zones to allow such signs on buildings with as few as two tenants and to allow these signs on each street frontage.

Staff was requested to bring back the ordinance, as amended, for adoption at the meeting of October 22.

Re: Discussion and Instructions
to Staff - Text Amendment
Application T-103-89, Miller,
Miller & Canby, attorneys for
McDonald's Corporation,
Applicant.

This is an amendment to the Zoning Ordinance special exception requirements for a restaurant with a drive-through so as to reduce the lot frontage requirement. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare the necessary documentation to deny this application in accordance with the recommendations of the Planning Commission.

Re: Discussion and Instructions
to Staff - Text Amendment
Application T-107-90, Mayor
and Council of Rockville,
Applicant.

This application provides amendments to various sections of the Zoning Ordinance so as to transfer Use Permit authority on City-owned land from the Planning Commission to the Mayor and Council. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare this application for approval by the Mayor and Council in accordance with the recommendations of the Planning Commission.

Re: Discussion and Instructions
to Staff - Annexation Petition
X-109-90, Mayor and Council
of Rockville, Applicant.

This petition requests annexation into the City of Rockville of a 3.4 acre parcel which is part of the Redgate Municipal Golf Course. The parcel is proposed to be placed in the R-S Zone upon annexation. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to prepare this annexation petition for approval by the Mayor and Council and to place such property in the R-S Zone.

Re: Discussion and Instructions
to staff regarding regular
refuse collection service for
the City.

On April 2, 1990, the City began a two-phase change of refuse service to meet State and County directives with respect to recycling. There are four levels of regular

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refuse service which may be provided: twice weekly at the back door (our current service); once weekly at the back door; twice weekly at the curb; or once weekly at the curb. Certain service enhancements will also begin during 1991.

Mayor Duncan noted that the decision is to select one of the four proposed levels of service. Councilmember Hovsepien commented that she would be willing to go forward with curbside collection twice a week for refuse and once a week for recyclables.

Councilmember Marrinan commented that the City should continue the current level of service until it can be demonstrated that there is no need to maintain the current level. Residents would be much more receptive to a reduction in service once it has been demonstrated that there isn't a need to maintain the current level.

Councilmember Robbins noted that people do not want to see the regular pick-up reduced. As to the extent of rear-yard pick up, staff advised that about 10,000 tons per year are picked up from the back door, and about 50 cases demonstrated a reason to offer the back-door service. Councilmember Robbins noted that he is inclined to keep the twice weekly back door service with a gradual changeover to curbside.

Councilmember Coyle indicated that the City should maintain its high quality of service until such time as it has been demonstrated that it is not cost-effective. Councilmember Coyle indicated that staff is doing a fantastic job in providing this service and thanked them for all they do.

It was agreed that the City would continue its twice a week regular refuse pick-up at the back door. Mayor Duncan noted that the City will push the County to accept plastic bags for yard waste.

Re: FYI/Correspondence

Gude Drive Coffee

Councilmember Marrinan asked if there is an agenda, and the City Manager responded that one will be prepared shortly with a couple of items for discussion.

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Courthouse Square Modifications

Mayor Duncan noted that the City might be moving the location of Hometown Holidays as a result of these modifications, but the dates would not be changed. Staff advised that all of the design concerns suggested by Mr. Whalen have been incorporated into the project.

Notice Requirements for Street Paving

Mayor Duncan referenced the complaint from Bethany House about cars being towed, and noted the typical policy for notification is at least 24 hours prior to the street paving, but preferably 48 hours. He inquired as to the possibility of changing the policy to provide 72 hours' notification to give people adequate notice, especially if they are away for a long weekend. Staff was asked to respond as to whether such a policy change would be a problem.

Red Ribbon Task Force on Sprinkler Retrofitting

Mayor Duncan noted that letters would be going out this week to individuals who are recommended for appointment.

Society for Theater Arts (STAR)

The proposal to turn the remaining funds over to the City which subsidized STAR was approved.

Public Works Update

Mayor Duncan asked if the vehicles to be auctioned included any scheduled for replacement this year, and was advised no by the City Manager.

Rockville Emergency Assistance Program Audit

Councilmember Coyle recommended that a letter be sent to Community Ministries congratulating them on the great job they are doing.

Re: New Business

Councilmember Coyle referenced correspondence regarding a problem involving the Metro Green Line and the College Park Airport and asked if staff responded. The City

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Manager has responded directly to the writers indicating that the matter has been referred to Montgomery County, the City's representative on WMATA.

Regarding the Falls Road/Maryland Avenue intersection, Councilmember Coyle stated that New Mark Commons Homes Association is seeking an update of outstanding items on their list. A particular problem is that traffic is backing up and blocking the driveway into Julius West. He indicated that the problem could be alleviated if the timing of the signals could be coordinated.

Councilmember Marrinan referenced the letter from Unger Fruit Farm asking if the Farmers Market would be open again next year. Mayor Duncan responded that a letter has been written to Mr. Unger to this effect.

With respect to a memorandum from the City Manager regarding enforcement of County laws, the Mayor and Council concurred with the proposal to send a letter to the County Council President.

Councilmember Hovsepian noted the worksession of the Planning Commission on stormwater management and asked if the Mayor and Council should join in. The City Manager was requested to provide information on what is being presented to the Planning Commission that night.

Councilmember Robbins asked if Veterans Park would be completed in time for the Veterans Day ceremony and was advised by the City Manager that it would be.

Mayor Duncan referenced the memorandum regarding Dundee Road in which the owners of the property propose to grant the City an easement in the location of the "as built" sanitary sewer line in exchange for the City's release of the portion of the old easement that is not needed by the City. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council approved the abandonment of the old easement and creation of a new easement.

Mayor Duncan indicated that he had learned it is not the City's policy to contact landlords when inspections of rental properties take place. He requested that

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staff provide him with information as to what needs to be done to change this procedure so that he may respond to the individual who brought this to his attention. The City Manager noted that staff would follow-up.

Mayor Duncan stated that he had received a request from residents of Courthouse Walk for a change in the Zoning Ordinance to remedy parking situations such as theirs. When they purchased their homes, the parking spaces were to be marked and reserved for each homeowner who did not have a garage. However, there is no provision for this in their bylaws. Mayor Duncan requested that a text amendment be filed as a housekeeping amendment to provide for two reserved parking spaces in residential townhouse developments.

Re: Executive Session

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 11:38 p.m. to consult with legal counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 12:05 a.m., to convene again in Public Hearing at 7:30 p.m. on October 15, 1990, or at the call of the Mayor.